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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,631	08/28/2003	Aaron Lloyd Freeman	3289W	7494
7590	03/21/2006			
Robert O. Blinn P.O. Box 75144 Wichita, KS 67275-0144				
			EXAMINER KASENGE, CHARLES R	
			ART UNIT 2125	PAPER NUMBER

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/650,631	Applicant(s) FREEMAN ET AL.	
	Examiner Charles R. Kasenge	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 12/29/05, with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Doherty U.S. Patent Application Publication 2003/0126295.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Doherty U.S. Patent Application Publication 2003/0126295. Referring to claims 1, 2, 14, and 17, Doherty discloses in combination with an irrigation system having system components including a water supply and at least one valve selectively directing water to at least one irrigation device in at least one irrigation zone, an irrigation controller (abstract) comprising: a microprocessor and a memory for storing irrigation program data and schedule data corresponding to the time and duration of the flow of water to said at least one irrigation zone (pg. 2, ¶19), said microprocessor for producing control signals, said microprocessor and said memory including an embedded Web server for communicating said irrigation program data and schedule data to and

formats (pg. 2 and 3, ¶19 and 24), at least one relay in communication with said microprocessor, said relay adapted for receiving said control signals from said microprocessor and for switching electrical currents to said at least one valve in response to said control signals for activation of said at least one valve, whereby said water supply and said at least one valve for selectively directing water to said at least one irrigation device may be selectively activated or deactivated (pg. 2, ¶18), an Ethernet connection device for connecting said microprocessor to a LAN, whereby a network accessing device having a Web browser connected to said LAN may be used to interactively access said embedded Web server of said irrigation controller for viewing and changing of said irrigation program and schedule data (pg. 2, ¶23-24). Doherty discloses the system of claim 1, wherein, the Ethernet connection device is an on-board Ethernet chipset (pg. 3, ¶24)

Referring to claims 3, 10 and 11, Doherty discloses the system of claim 1, wherein, said LAN is also connected to the Internet such that a network accessing device connected to the Internet and having a Web browser may be used to interactively access said embedded Web server of said irrigation controller for viewing and changing of said irrigation program and schedule data (pg. 3, ¶23-24).

Referring 4-7, 12, 13, 15, 18, 19 and 20, Doherty discloses the system of claim 1, further comprising: at least one weather sensor connected to said microprocessor and said memory storing weather data from said at least one weather sensor so that said network accessing device may be used to interactively access said embedded Web server to view said weather data (pg. 3, ¶23). Doherty discloses the system of claim 1, wherein, said HTML formats include a program and schedule form for viewing and changing program data including program names and run

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times for each zone and schedule data including start times for each program (pg. 2, ¶17 and pg. 1, ¶6). Doherty inherently discloses the system of claim 1, wherein said at least one relay is a triac (pg. 2, ¶18). The Office interprets use of a triac for a valve in an electronic irrigation system to be inherent (see Williams et al. 6,459,959, col. 6, lines 28-37).

#### ***Allowable Subject Matter***

4. Claims 21 and 22 are allowed.
5. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
March 8, 2006

A handwritten signature in black ink, appearing to read 'L. P. Picard', with a stylized flourish at the end.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**